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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Come now the Plaintiff, (GAYLE SWILLEY and CONRAD SWILLEY) Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action with prejudice with each side bearing its own attorneys' fees and costs.

DATED: February 20, 2009

Bv:

Attorneys for Plaintiff, Gayle Swilley and Conrad Swilley

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DATED: April 27, 2009 DLA PIPER US LLP

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By: Michelle Sadowsky  
Michelle Sadowsky  
Attorneys for Defendants

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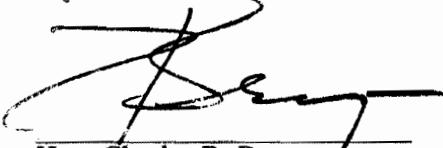
**PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,  
IT IS SO ORDERED.**

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Dated APR 30 2009

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Hon. Charles R. Breyer  
United States District Court

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